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C O N F I D E N T I A L SECTION 01 OF 04 HARARE 000434

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AF/S FOR B. NEULING
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ZI
SUBJECT: NEW LEGISLATION WOULD TIGHTEN GOZ'S GRIP

REF: A. REF A: HARARE 349
[B.](#) REF B: HARARE 319
[C.](#) REF C: HARARE 308
[D.](#) REF D: 2005 HARARE 395

Classified By: Ambassador Christopher Dell for reasons 1.5 b/d

Summary

[11.](#) (C) The GOZ in recent weeks has put forward several bills to Parliament, many of which would bolster the state's security apparatus. The Suppression of Foreign and International Terrorism Bill would update Zimbabwe's counterterrorism laws, and the Interception of Communications Bill would allow the GOZ to monitor and intercept phone calls, emails and postal communication, and create a new agency to oversee such signals intelligence. Civil libertarians caution that both bills could be used against political opponents. Private communication firms, meanwhile, have expressed concern that the Interception of Communication Bill would foist on them an oppressive financial burden, which might cause several to close. Rounding out the list of potential oppressive legislation, the GOZ has discussed restrictions on the distribution of foreign media in Zimbabwe, has proposed a new Human Rights Commission that would undercut legitimate groups, and continues to wield the threat of resubmitting a bill to regulate the activities of NGOs. In other legislative business, the lower house recently passed a bill to regulate the use of biotechnology in Zimbabwe, and we have heard indications that the more contentious parts of the Education Bill may be revised soon. End Summary.

Spate of Bills Awaiting Lawmakers

12. (C) John Makamure, the director of USAID's parliamentary support project implemented by the State University of New York (SUNY), told poloff on April 4 that President Mugabe's criticism of "underperforming" ministers earlier in the year had generated the recent spate of legislation as government officials attempt to earn their keep. A total of six bills await introduction to Parliament. Makamure suggested that narrow political self-interest, rather than national need, was what was driving the otherwise thin legislative agenda these days.

New Security Legislation()

13. (C) Home Affairs Minister Kembo Mohadi on March 24 introduced the Suppression of Foreign and International Terrorism Bill (emailed to AF/S and S/CT), which would update Zimbabwe's existing counterterrorism (CT) framework, originally constructed by the colonial government in 1963. The Bill would allow the Home Affairs Minister to designate terrorist groups and would impose stricter sentences for terrorists and their facilitators. (N.B. We understand that S/CT is researching this Bill to determine if it follows international best practices.)

14. (C) Meanwhile, the Minister of Transport and Communication Chris Mushowe has circulated) but not yet introduced to Parliament - the Interception of Communication Bill (emailed to AF/S), which would grant the GOZ authority

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to monitor and intercept domestic phone calls, emails and postal communications. The Bill seeks to address a Supreme Court decision in March 2004 that declared an earlier monitoring and interception law to be unconstitutional. The draft Bill would create a signals intelligence agency, the Monitoring of Interception of Communications Center (MICC), which would conduct an intercept once the Minister had issued a warrant. The Bill would also require that communication service providers purchase, install, and maintain the monitoring equipment. SUNY staff commented that this Bill was poorly written) most likely by a junior drafter in the Attorney's General's office - and would almost certainly be revised before it was submitted to Parliament. SUNY added that unlike the CT Bill there appeared to be no major push behind this bill and that former intelligence officer Mushowe's influence appeared to be waning.

(Draws Civil Society, Private Industry's Fire

15. (C) Civil libertarians, however, have criticized both pieces of legislation, saying that their combined impact will lead to the serious erosion the country's already dwindling democratic space. Law Society of Zimbabwe (LSZ) President Joseph James told poloff on March 31 that the bills concentrated too much authority in an executive that would likely use the powers to further harass the opposition. The definition of a terrorist organization in the CT Bill, for instance, was extremely vague, according to James, and included any group "formed with a view to (usurping the functions of a government." (N.B. The definition of terrorism is also circular, potentially leading to varying interpretations.) Indeed, both independent and state-controlled media have reported that the GOZ could have used the CT legislation against MDC supporters arrested in connection with the since debunked arms cache "discovery" in early March (ref B).

16. (C) Terming the Interception of Communication Bill "horrific" and "fascist," James declared that it was also likely unconstitutional. The LSZ was therefore planning to

mount a lobbying campaign in coordination with the Zimbabwe Lawyers for Human Rights (ZLHR) against its passage. If the bill became law in its current form, James said that the LSZ would challenge it in court, noting the precedent set by the Supreme Court's ruling against the earlier monitoring and intercept law.

¶7. (C) Nikki Lear, chief operating officer of Zimbabwe's largest internet service provider MWEB, told poloff on April 10 that the Interception of Communication Bill's requirement that communication providers purchase and install the monitoring equipment would present a huge financial problem for the companies. MWEB's South Africa branch was looking to install the equipment at a price tag of 5-7 million Rand, which Lear said was too much for the company's Zimbabwean office to afford, much less the country's 23 other smaller internet providers. The Zimbabwe Internet Service Providers Association (ZISPA) would be devising a strategy soon, looking at the South African industry's successful lobbying efforts against similar legislation there. However, if the legislation passed into law without revision, Lear said that MWEB would have no choice but to pull out of Zimbabwe.

Rounding Out The Oppressive Legislation

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¶8. (C) Adding to the list of repressive legislation, local media have reported that the GOZ aims to strengthen the Access to Information and Protection of Privacy Act (AIPPA), to introduce a Human Rights Commission that could undermine legitimate organizations, and to resubmit the controversial NGO Bill (ref D). The state-controlled Herald in late March reported that the GOZ planned to amend AIPPA to expand its writ over the distribution of foreign media in Zimbabwe. MDC MP and pro-Senate faction shadow communication minister Abednico Bhebhe told poloff on March 29 that this amendment was targeted against local stringers for foreign media services. State-controlled media also reported that the Cabinet had approved a constitutional amendment to establish the Human Rights Commission, a move termed "deceptive" by ZLHR in a press release because it would not address the fundamental problem of Zimbabwean human rights (the widespread manipulation of executive powers. Meanwhile, an online news source in early March quoted Justice Minister Partick Chinamasa as saying that the GOZ was "polishing up" the NGO Bill, which he expected to become law by the end of the year. Shortly afterward, the state-controlled Chronicle featured a warning from ZANU-PF Chairman John Nkomo that NGOs should not dabble in politics. Despite this rhetoric, Makamure commented that he saw no indications that the return of the NGO Bill was imminent.

Biotech Bill in Train

¶9. (U) In other legislative developments, the House of Assembly on April 4 passed the National Biotechnology Authority Bill, which now goes to the upper house. This Bill could create the Authority to oversee the import, research, and use of all biotechnology processes and products. The Bill's stated aim is to ensure that the development of biotech in Zimbabwe does not cause adverse effects on public health or the environment. The Bill would also create a fund, with money generated from a new levy, to promote the marketing and production of biotech research and products.

Education Bill Still Awaits Signature

¶10. (C) Meanwhile, the only bill passed by Parliament this year, the Education Bill (ref C), has yet to be signed into

law. Jameson Timba, the chairman of the Association of Trust Schools, told poloff on March 18 that he met with Mugabe earlier that week and secured the leader's promise to revise a last-minute amendment to the Bill that governed fees that boarding schools could charge. Timba said that Mugabe appeared unaware of the amendment but ultimately agreed with Timba that the Education Bill as written would force many religious schools to close. Notwithstanding Mugabe's apparent promise, we have yet to see indications that the Bill will be sent back to Parliament for revision.

Thin Parliamentary Business Otherwise

¶11. (SBU) Despite widespread media speculation, the government has not submitted other high-profile legislation, such as a rumored constitutional amendment to harmonize the presidential and legislative elections. The GOZ has also backed down from the Mining Bill in the wake of widespread condemnation (ref A). Most recently Mugabe was quoted in the state-controlled Herald on April 1 saying that the

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indigenization ratio) announced at 51 percent by the Mining Minister Amos Midzi - was still "at a very early stage of discussion." The government has also yet to put forward the Domestic Violence Bill, although responding to pressure from women's rights groups Chinamasa has publicly pledged to submit the legislation by year's end.

Comment

¶12. (C) Even as a beleaguered GOZ proposes "bridge-building" with the West and talks about the need to reduce confrontation, it is simultaneously revealing its true authoritarian colors in this proposed legislation.

DELL